

### **REMARKS**

Applicant submits that the response filed October 20, 2004 addressed all of the outstanding rejections. However, please consider the following additional remarks in conjunction with the amendments and remarks contained in the response filed October 20, 2004.

As the response filed October 20, 2004 was in reply to a nonfinal Office Action, Applicants assume that the amendments and new claims indicated in the response filed October 20, 2004 have been entered. Accordingly, claims 2-3, 6, 8-12, 15, 46-48, 50, 76-83, 85-94, and 96-104 are pending in the application.

1. **Second rejection of claims 2, 3, 6, 8-13, 15, 46-48, 50, and 76-99 under 35 U.S.C. § 112, second paragraph.**

Claims 2, 3, 6, 8-13, 15, 46-48, 50, and 76-99 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite in their recitation of “the neural precursor cells having the ability to differentiate into neuronal cells, glial cells, or combinations thereof” because it is allegedly unclear if the precursor cells have the ability to differentiate into all three cell types, including neurons, astrocytes, and oligodendrocytes, or if the precursors only have the ability to differentiate into either neuronal cells or glial cells. Applicant respectfully traverses this rejection in part.

Claims 13, 84, and 95 were cancelled in the response filed October 20, 2004 without prejudice or disclaimer of the subject matter contained therein. Accordingly, Applicant submits that this rejection is moot with regard to these claims.

Furthermore, claim 87 (before or after amendment) does not contain the language “the neural precursor cells having the ability to differentiate into neuronal cells, glial cells, or combinations thereof.” Therefore, Applicant submits that this rejection is moot with regard to this claim and claims dependent thereon.

With regard to the remaining rejected claims, Applicant provides the following remarks. As discussed in the response filed October 20, 2004, claims 2, 8, 47, and 76 were amended to remove the phrase “or combinations thereof.” Furthermore, as

discussed in the response filed October 20, 2004 and as discussed with the Examiner during the telephonic interview on October 14, 2004, the neural precursor cells have the ability to generate mature neural cells, *i.e.*, glial or neuronal cells, and the cell compositions of the presently claimed embodiments of the invention may contain neural precursor cells, neuronal cells, glial cells or combinations thereof. Additionally, the specification defines "neural precursor" as an "[i]mmature cell of the nervous system which has the potential to develop into mature nervous system cells such as neurons and glia (astrocytes and oligodendrocytes)." (See specification, page 7, lines 15-17) Thus, Applicant submits that the language in claims 2, 47, 76 (and those claims dependent thereon) is definite and indicates that the neural precursor cells are not committed cells but could develop into a neuronal cell or a glial cell.

Therefore, Applicant submits that the claims as amended in the response filed October 20, 2004 are definite, and accordingly, Applicant respectfully requests that this § 112, second paragraph, rejection be reconsidered and withdrawn.

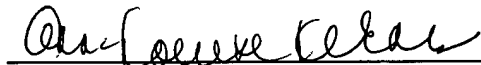
### CONCLUSIONS

In view of the arguments and amendments set forth above, Applicant respectfully requests reconsideration and reexamination of the above-referenced patent application. Applicant submits that the rejections contained in the Office Action mailed on April 21, 2004 have been overcome, and that the claims are in condition for allowance.

No fees are believed to be due in connection with this response. However, please charge any underpayments or credit any overpayments to Deposit Account No. 08-0219.

If the Examiner has any questions or amendments that she would like to discuss with the Applicant, she is encouraged to call the undersigned at the number indicated below.

Respectfully submitted,



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